

**FILED**

JUL 19 2018

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. *18-144J*  
[UNDER SEAL]

A HENRY REPEATING RIFLE, CAL: 17,  
SERIAL NO. GB003368V;

A HARRINGTON AND RICHARDSON RIFLE,  
CAL: 308, SERIAL NO. CBA208610;

A WINCHESTER 94 RIFLE, CAL: 30-30,  
SERIAL NO. 5273724; and

A MOSSBERG 935 SHOTGUN, CAL: 12,  
SERIAL NO. AM047059,

Defendants.

**VERIFIED COMPLAINT FOR FORFEITURE**

AND NOW comes the United States of America, by and through its counsel Scott W. Brady, United States Attorney for the Western District of Pennsylvania, and David Lew, Assistant United States Attorney for the Western District of Pennsylvania, and respectfully represents as follows:

1. Plaintiff, the United States of America, brings this civil action *in rem* for forfeiture to the United States of the following property (collectively the "Defendant Firearms") pursuant to 18 U.S.C. § 924(d): (1) a Henry Repeating Rifle, Cal: 17, Serial No. GB003368V; (2) a Harrington and Richardson Rifle, Cal: 308, Serial No. CBA208610; (3) a Winchester 94 Rifle, Cal: 30-30, Serial No. 5273724; and (4) a Mossberg 935 Shotgun, Cal: 12, Serial No. AM047059.

2. Jurisdiction is predicated upon 28 U.S.C. §§ 1345 and 1355. Venue is proper under 28 U.S.C. §§ 1395 and 1355.

3. The Bureau of Alcohol, Tobacco, Firearms and Explosives (the “ATF”), along with local law enforcement assistance, is conducting an investigation of Rex Whetstone (“Whetstone”), the owner of Whetstone’s Service Center in Claysburg, Pennsylvania, for the alleged unlawful dealing of firearms in violation of 18 U.S.C. § 922(a)(1)(A).

4. The investigation revealed that since at least 2016, Whetstone has unlawfully sold firearms from Whetstone’s Service Center while not being a licensed firearms importer, manufacturer, or dealer.

5. The investigation further revealed that in 2016, Whetstone sold a Henry Repeating Rifle, Cal: 17, Serial No. GB003368V to Edward Bender (“Bender”) for approximately \$400 in a cash transaction, which was given to Whetstone’s employee.

6. Whetstone sold another firearm to Bender in 2016, a Harrington and Richardson Rifle, Cal: 308, Serial No. CBA208610, for either \$275 or \$300 in a cash transaction.

7. The investigation further revealed that in approximately 2016, Whetstone sold a Winchester 94 Rifle, Cal: 30-30, Serial No. 5273724, to Douglas Grace (“Grace”) for approximately \$120 in a cash transaction.

8. On a separate occasion, approximately in 2016, Whetstone sold a Mossberg 935 Shotgun, Cal: 12, Serial No. AM047059, to Grace for approximately \$325 to \$350 in a cash transaction, which consisted of a down payment made to Whetstone with the remainder given to Whetstone’s employee.

9. On or about April 4, 2018, ATF seized the Henry Repeating Rifle and Harrington and Richardson Rifle from Bender pursuant to 18 U.S.C. § 924(d).

10. The same day, ATF seized the Winchester 94 Rifle and Mossberg 935 Shotgun from Grace pursuant to 18 U.S.C. § 924(d).

11. The Defendant Firearms have remained in the Western District of Pennsylvania since their seizure.


12. After the seizure, the ATF instituted administrative forfeiture proceedings against the Defendant Firearms. During these proceedings, Bender and Grace filed claims with the ATF for the Defendant Firearms. As a result, the United States has instituted this civil forfeiture action against the Defendant Firearms.

13. By reason of the foregoing, and under the provisions of 18 U.S.C. § 924(d), the Defendant Firearms are forfeitable to the United States.

WHEREFORE, the United States of America respectfully requests that process of warrant *in rem* issue for the arrest of the Defendant Firearms; that judgment of forfeiture be entered in favor of the United States for the Defendant Firearms; and that the United States be granted such relief as this Honorable Court may deem just and proper, together with the costs and disbursements of this action.

Respectfully submitted,

SCOTT W. BRADY  
United States Attorney



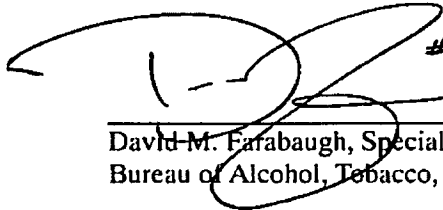
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VERIFICATION

I am a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the case agent assigned the responsibility for this case. I have read the contents of the foregoing complaint for forfeiture and the statements contained therein are true and correct to the best of my knowledge and belief.

I verify under penalty of perjury that the foregoing is true and correct. Executed on this 18<sup>th</sup> day of JULY, 2018.

 #3788

David M. Farabaugh, Special Agent  
Bureau of Alcohol, Tobacco, Firearms and Explosives